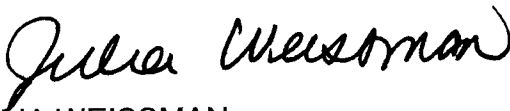


ANALYSIS

This ordinance amends Section 2.201.040 of Title 2 - Administration, of the Los Angeles County Code to increase the living wage rate that employers are required to pay to their employees pursuant to Proposition A and cafeteria services contracts from \$8.32 per hour with \$1.14 per hour in health benefits or \$9.46 per hour without health benefits to \$9.64 per hour with \$2.20 per hour in health benefits or \$11.84 per hour without health benefits. It further amends Section 2.201.040 so that this adjustment to the living wage rate will be applicable to those contracts and contract amendments the terms of which commence three months or more after the effective date of this ordinance, and future adjustments to the living wage rate will similarly be applicable to contracts and contract amendments the terms of which commence three months or more after the effective date of such future adjustments.

This ordinance also makes three "housekeeping" amendments: it corrects an error in the language of Section 2.201.010 of Title 2; amends Section 2.201.080 of Title 2 pertaining to "enforcement and remedies" under the Living Wage Ordinance to make it consistent with Section 2.202.040 of Title 2 pertaining to "Debarment of Contractors"; and amends Title 2, Section 2.201.020 Definitions to define "Proposition A contract."

RAYMOND G. FORTNER, JR.
County Counsel

By 
JULIA WEISSMAN
Deputy County Counsel
Public Works Division

JW:ia

12/13/06 (Requested)
12/19/06 (Revised)

414214_1

ORDINANCE NO. _____

An ordinance amending Title 2 - Administration of the Los Angeles County Code, relating to the Living Wage Ordinance.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.201.010 is hereby amended to read as follows:

2.201.010 Findings.

The board of supervisors finds that the county of Los Angeles is the principal provider of social and health services within the county, especially to persons who are compelled to turn to the county for such services. Employers' failure to pay ~~less than a~~ living wage to their employees causes them to use such services thereby placing an additional burden on the county of Los Angeles.

SECTION 2. Section 2.201.020 is hereby amended to read as follows:

2.201.020 Definitions.

The general definitions contained in Chapter 2.02 shall be applicable to this chapter unless inconsistent with the following definitions:

A. "County" includes the county of Los Angeles, any county officer or body, any county department head, and any county employee authorized to enter into a Proposition A contract or a cafeteria services contract with an employer.

B. "Employee" means any individual who is an employee of an employer under the laws of California, and who is providing full time services to an employer, some or all of which are provided to the county of Los Angeles under a Proposition A contract, or under a cafeteria services contract at a county of Los Angeles owned or leased facility.

C. "Employer" means:

1. An individual or entity who has a contract with the county:

a. For services which is required to be more economical or feasible under Section 44.7 of the Charter of the county of Los Angeles, and is not listed as an excluded contract in Section 2.121.250 B of the Los Angeles County Code, referred to in this chapter as a "Proposition A contract," or

b. For cafeteria services, referred to in this chapter as a "cafeteria services contract," and

c. Who has received or will receive an aggregate sum of \$25,000.00 or more in any 12 month period under one or more Proposition A contracts and/or one or more cafeteria services contracts; or

2. An individual or entity that enters into a subcontract with an employer, as defined in subsection C1 and who employs employees to provide services under the employer's contract with the county.

D. "Full time" means a minimum 40 hours worked per week, or a lesser number of hours, if the lesser number is a recognized industry standard and is approved as such by the chief administrative officer, but in no event less than 35 hours worked per week.

E. "Proposition A contract" means a contract governed by Title 2, Section 2.121.250 et. seq. of this code, entitled Contracting with Private Business.

SECTION 3. Section 2.201.040 is hereby amended to read as follows:

2.201.040 Payment of living wage.

A. Employers shall pay employees a living wage for their services provided to the county of no less than the hourly rates set under this chapter. The rates shall be ~~\$8.329.64~~ per hour with health benefits, or ~~\$9.46~~11.84 per hour without health benefits.

B. To qualify for the living wage rate with health benefits, an employer shall pay at least ~~\$4.14~~2.20 per hour towards the provision of bona fide health care benefits for each employee and any dependents during the term of a Proposition A contract or a cafeteria services contract. Proof of the provision of such benefits must be submitted to the county for evaluation during the procurement process to qualify for the lower living wage rate in subsection A of this section. Employers who provide health care benefits to employees through the county department of health services community health plan are deemed to have qualified for the lower living wage rate in subsection A of this section.

C. The board of supervisors may, from time to time, adjust the amounts specified in subsections A and B of this section, above for future contracts. Any adjustments to the living wage rate specified in subsections A and B that are adopted by the board of supervisors shall be applicable to Proposition A contracts and cafeteria services contracts and their amendments which become effective three months or more after the effective date of the ordinance that adjusts the living wage rate.

SECTION 4. Section 2.201.080 is hereby amended to read as follows:

2.201.080 Enforcement and remedies.

For violation of any of the provisions of this chapter:

A. An employee may bring an action in the courts of the state of California for damages caused by an employer's violation of this chapter.

B. The county department head responsible for administering a Proposition A contract or a cafeteria services contract may do one or more of the following in accordance with such instructions as may be issued by the chief administrative officer:

1. Assess liquidated damages as provided in the contract; and/or
2. Recommend to the board of supervisors the termination of the contract; and/or
3. Recommend to the board of supervisors that an employer be barred from award of future county contracts for a period of time consistent with the seriousness of the employer's violation of this chapter, ~~not to exceed three years in~~ accordance with Section 2.202.040 of this code.

[2201010JWCC]